

REMARKS

In response to the above-identified Final Office Action (“Action”), Applicant traverses the Examiner’s rejection to the claims and seeks reconsideration thereof. Claims 1-129 are now pending in the present application. In this response, claims 1, 36, 61, 83, 103, 112 and 120 have been amended, no claims have been added and no claims have been cancelled.

I. Claim Amendments

Applicant respectfully submits herewith amendments to claims 1, 36, 61, 83, 94, 103, 112 and 120 to clarify that the content descriptors include descriptions of a plurality of corresponding content pieces independent of whether the content pieces are broadcast or transmitted to the client systems. The amendments to claims 1, 36, 61, 83, 103, 112 and 120 are found, for example, on page 12, lines 5-19 and page 14, lines 17-23 of the specification. Claims 1, 36, 61 and 112 are further amended to clarify that the rating algorithm is “automated.” The amendments to claims 1, 36, 61 and 112 are found, for example, on page 18, lines 5-11 of the specification.

I. Claim Rejections – 35 U.S.C. §102(e)

In the outstanding Action, claims 1, 2, 4-7, 9, 11-17, 19-30, 32-35, 61, 62, 64-74, 76-86, 88-106 and 108-129 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent 6,317, 881 issued to Shah-Nazaroff et al ("Shah-Nazaroff"). Applicant respectfully traverses the rejections.

It is axiomatic that to anticipate a claim, every element of the claim must be disclosed within a single reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, the reference must disclose the identical invention in as complete detail as is found in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In regard to independent claim 1, Applicant respectfully submits Shah-Nazaroff fails to teach at least the elements of “receiving broadcast communications including content descriptors

via a first communications link from a broadcast source, the content descriptors including descriptions of a plurality of corresponding content pieces independent of whether the content pieces are received from the broadcast source” and “performing an automated rating algorithm to rate at least a portion of the plurality of content pieces to generate a rating feedback” as recited in claim 1.

Instead, Shah-Nazaroff teaches sending a questionnaire including questions specifically designed to gather particular information about a broadcast or a single generic question relating to the broadcast (e.g. “did you like this broadcast) during or shortly after a broadcast has been sent to a viewer at the request of the viewer. See Shah-Nazaroff, col. 3, lines 22-26, col. 3, lines 47-54. After viewing the broadcast, the viewer then fills out the feedback questionnaire. See Shah-Nazaroff, col. 2, lines 65-67. The rating generated by the guide server 170 is based on the feedback from the viewer. See Shah-Nazaroff, col. 3, lines 5-15. Thus, the user must manually fill out the questionnaire after receiving and viewing the broadcast before any sort of rating is performed by the system. The Examiner relies upon the questionnaires for particular programs to teach the claimed content descriptors corresponding to content pieces. However, since the questionnaires correspond to the particular program sent to the client system and viewed by the viewer, the content descriptors do not include descriptions of a plurality of corresponding content pieces independent of whether the content pieces are received from the broadcast source as recited in amended claim 1. Moreover, as described in col. 3, lines 22-32 which the Examiner alleges teaches performing a rating algorithm, the user requests the questionnaire and manually fills it out therefore the rating algorithm is not automated as further recited in amended claim 1.

Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claim 1 is taught by Shah-Nazaroff. Since each element of claim 1 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102.

In regard to dependent claim 9, claim 9 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claim 9. Shah-Nazaroff further fails to anticipate claim 9 for at least the reason that the reference fails to teach the element of “wherein the content descriptors comprise a

continuous stream of data that may be tapped into at any time to rate at least a portion of the plurality of content pieces via the rating algorithm” as further recited in claim 9. The Examiner alleges accessing and downloading the questionnaire upon request from the user as described in col. 6, lines 45-47 of Shah-Nazaroff teaches this element. Applicant respectfully disagrees with the Examiner’s characterization of this portion of the reference for at least the reason that “a continuous stream of data” is not mentioned in this portion of the reference and in any event the system of Shah-Nazaroff will not work with a continuous stream of data. In particular, the method recited in claim 9 allows a stream of hundreds of potential pieces of content (plurality of data) to be sent. The client system may then, for example, check in with this stream, rate some content and then check out. Whereas in the portion of Shah-Nazaroff cited by the Examiner, a questionnaire is either received or not received when a request is made. Thus, “wherein the content descriptors comprise a continuous stream of data that may be tapped into at any time to rate at least a portion of the plurality of content pieces via the rating algorithm” is not taught by merely “accessing and downloading a questionnaire” as alleged by the Examiner. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claim 9 is taught by Shah-Nazaroff. Since each element of claim 9 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 9 under 35 U.S.C. §102.

In regard to dependent claims 11 and 35, claims 11 and 35 depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claims 11 and 35. Shah-Nazaroff further fails to anticipate claims 11 and 35 for at least the reason that the reference fails to teach the element of “wherein the rating algorithm includes a consideration of any existing cached data files to generate the rating feedback” as further recited in claims 11 and 35. The Examiner alleges co. 3, line 56-col. 4, line 19 of Shah-Nazaroff teaches this element. Applicant respectfully disagrees for at least the reason that this portion of the reference describes a potential hard drive for storing viewer identification. As described in Applicant’s specification, the term “data files” refers to potential broadcast pieces including “any combination of a number of different types of files including for example video, audio, graphics, text, multi-media or the like” such as, for example, such as audio/video files. See, for example, page 7, lines 15-22 of the application. Thus, storing viewer

identification information does not teach the element of “wherein the rating algorithm includes a consideration of any existing cached data files to generate the rating feedback” as recited in claims 11 and 35. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claims 11 and 35 are taught by Shah-Nazaroff. Since each element of claims 11 and 35 are not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 11 and 35 under 35 U.S.C. §102.

In regard to dependent claim 12, claim 12 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claim 12. Shah-Nazaroff further fails to anticipate claim 12 for at least the reason that the reference fails to teach the element of “wherein the content descriptors include data pertaining to a revenue-generating potential of at least a portion of the content pieces, and the rating algorithm includes a consideration of the content piece's revenue generating potential when generating the rating feedback” as further recited in claim 12. The Examiner alleges a discount incentive and discount for content strategy described in col. 3, lines 33-44 of Shah-Nazaroff teach this element. Applicant respectfully disagrees with the Examiner's characterization of this portion of the reference for at least the reason that “revenue incentives” to get viewers to fill out questionnaires may not be characterized as “data pertaining to a revenue-generating potential of at least a portion of the content pieces” as recited in claim 12. In particular, the method recited in claim 12 refers to the revenue potential of the content piece. For example, it may be determined that one content piece (A) generates more money for a system provider than another content piece (B) therefore, all things being equal, the system should send piece (A). In this aspect, the broadcaster maximizes their revenue. In contrast, Shah-Nazaroff merely teaches providing incentives to the user to get them to fill out the questionnaire, such incentives in no way relate to the revenue-generating potential of the content pieces. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claim 12 is taught by Shah-Nazaroff. Since each element of claim 12 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 12 under 35 U.S.C. §102.

In regard to dependent claims 13 and 26, claims 13 and 26 depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claims 13 and 26. Shah-Nazaroff further fails to anticipate claims 13 and 26 for at least the reason that the reference fails to teach the element of “wherein the rating algorithm includes a consideration of a user's previous viewing habits to generate the rating feedback” as further recited in claims 13 and 26. The Examiner alleges this element is described in col. 4, lines 4-11 of Shah-Nazaroff. Applicant respectfully disagrees with the Examiner’s characterization of this portion of the reference. Col 4, lines 4-11 of Shah-Nazaroff teaches a viewer characteristic file including information such as “age, gender marital status, family size, geographic location, education level, income level, etc.” Such information is not the “user’s previous viewing habits” as required by claims 13 and 26. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claim 13 is taught by Shah-Nazaroff. Since each element of claims 13 and 26 are not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 13 and 26 under 35 U.S.C. §102.

In regard to dependent claims 14, 20, 27 and 33, these claims depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claims 14, 20, 27 and 33. Shah-Nazaroff further fails to anticipate claims 14, 20, 27 and 33 for at least the reason that the reference fails to teach the element of “wherein the rating algorithm includes a consideration of a content piece's size to generate the rating feedback” as further recited in claims 14 and 27 and “wherein the rating algorithm includes a consideration of a content piece's duration to generate the rating feedback” as further recited in claims 20 and 33. The Examiner alleges these elements are described in col. 6, lines 23-34 of Shah-Nazaroff. Applicant respectfully disagrees with the Examiner’s characterization of this portion of the reference. Col 6, lines 23-34 relates to providing the questionnaire to the viewer after the entire broadcast has been viewed. In contrast, the size or duration of the content piece considered in claims 14, 20, 27 and 33 refer to the value of the piece, not when the rating algorithm or rating feedback is provided. For example, if a user is 50% likely to watch movie A which takes 3GB to store and 50% likely to watch movie B which takes 1 GB to store, the system would rate movie B higher because it takes up less disk space.

Such information may be considered by the rating algorithm so that pieces having only a desirable size or duration are broadcast to the viewer. Certainly, waiting until the end of a broadcast to send a questionnaire as taught in Shah-Nazaroff does not teach this element. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claims 14, 20, 27 and 33 are taught by Shah-Nazaroff. Since each element of claims 14, 20, 27 and 33 are not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 14, 20, 27 and 33 under 35 U.S.C. §102.

In regard to dependent claims 17 and 30, these claims depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claims 17 and 30. Shah-Nazaroff further fails to anticipate claims 17 and 30 for at least the reason that the reference fails to teach the element of “wherein the rating algorithm includes a consideration of a future broadcast schedule to generate the rating feedback” as further recited in claims 17 and 30. The Examiner generally alleges this element is illustrated in Figure 6 of Shah-Nazaroff. Applicant respectfully disagrees with the Examiner’s reliance on Figure 6 alone to teach this element. Figure 6 does not expressly recite a “future broadcast schedule” nor does the Examiner indicate which portion of the figure the Examiner is relying on to teach this element much less the rating algorithm including a consideration of a future broadcast schedule to generate the rating feedback. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claims 17 and 30 are taught by Shah-Nazaroff. Since each limitation of claims 17 and 30 are not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 17 and 30 under 35 U.S.C. §102.

In regard to dependent claim 22, claim 22 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claim 22. Shah-Nazaroff further fails to anticipate claim 22 for at least the reason that the reference fails to teach the element of “generating a display on a display device that provides a user-interface that enables a user to rate content pieces so as to indicate a level of desirability for those content pieces if they are broadcast by the broadcast system” as further

recited in claim 22. The Examiner alleges this element is illustrated in col. 3, lines 47-55, Figures 4 and 6 of Shah-Nazaroff. Applicant respectfully disagrees with the Examiner's characterization of this portion of the reference. This portion of Shah-Nazaroff teaches providing results of rating information to subsequent viewers or programming service providers so, for example, the viewer can see how others are responding to a program. This portion does not teach that the results provided to the user enable the user to rate content pieces much less that the results may be rated by the user so as to indicate a level of desirability for those content pieces if they are broadcast to the user's system. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claim 22 is taught by Shah-Nazaroff. Since each limitation of claim 22 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. §102.

In regard to dependent claims 24 and 25, claims 24 and 25 depend from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to anticipate claims 24 and 25. Shah-Nazaroff further fails to anticipate claims 24 and 25 for at least the reason that the reference fails to teach the element of "wherein the rating algorithm automatically rates at least a portion of the content pieces" as further recited in claims 24 and 25. The Examiner alleges these elements are described in col. 3, line 47-col. 4, line 19 and col. 6 lines 23-34 of Shah-Nazaroff. Applicant respectfully disagrees with the Examiner's characterization of these portions of the reference. Col. 3, line 47-col. 4, line 19 of Shah-Nazaroff describes the questionnaires provided to the user. Col 6, lines 23-34 relates to providing the questionnaire to the viewer after the entire broadcast has been viewed. Providing questionnaires to a user so that a user may manually fill them out after viewing a broadcast may not be characterized as "automatically rating" content pieces. Thus, for at least the foregoing reasons, the Examiner has not shown that each and every element of claims 24 and 25 are taught by Shah-Nazaroff. Since each element of claims 24 and 25 are not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 24 and 25 under 35 U.S.C. §102.

In regard to dependent claims 2, 4-7, 15, 16, 19, 21, 23, 28, 29, 32 and 34 these claims depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reason that Shah-Nazaroff fails to teach all the elements of claim 1, Shah-Nazaroff fails to anticipate claims 2, 4-7, 15, 16, 19, 21, 23, 28, 29, 32 and 34. Applicant respectfully requests reconsideration and withdrawal of the rejection the claims under 35 U.S.C. §102.

In regard to independent claim 61, similar to claim 1, claim 61 includes the elements of “receive broadcast communications including content descriptors via a first communications link from a broadcast source, the content descriptors including descriptions of a plurality of corresponding content pieces independent of whether the content pieces are received from the broadcast source” and “perform an automated rating algorithm to rate at least a portion of the plurality of content pieces to generate a rating feedback.” For at least the reasons discussed in regard to claim 1, Shah-Nazaroff fails to teach these elements of claim 61. In addition, claim 61 requires that the machine perform a rating algorithm to rate at least a portion of the plurality of content pieces to generate a rating feedback. As recognized by the Examiner on page 9 of the Action, the user rates the program, not system controller 100, 110. Thus, for at least the foregoing reason, Shah-Nazaroff fail to teach each and every element of claim 61 therefore anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 61 under 35 U.S.C. §102.

In regard to dependent claim 68, claim 68 depends from claim 61 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 61, Shah-Nazaroff fails to anticipate claim 68. Moreover, similar to claims 11 and 35, claim 68 recites the element of “wherein the rating algorithm includes a consideration of any existing cached data files to generate the rating feedback.” Thus, for at least the reasons previously discussed in regard to claims 11 and 35, Shah-Nazaroff fails to teach this additional element of claim 68. Since each element of claim 68 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 68 under 35 U.S.C. §102.

In regard to dependent claim 69, claim 69 depends from claim 61 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 61, Shah-Nazaroff

fails to anticipate claim 69. Moreover, similar to claim 12, claim 69 recites the element of “wherein the content descriptors include data pertaining to a revenue-generating potential of at least a portion of the content pieces, and the rating algorithm includes a consideration of the content piece's revenue generating potential when generating the rating feedback.” Thus, for at least the reasons previously discussed in regard to claim 12, Shah-Nazaroff fails to teach this additional element of claim 69. Since each element of claim 69 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 69 under 35 U.S.C. §102.

In regard to dependent claim 70, claim 70 depends from claim 61 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 61, Shah-Nazaroff fails to anticipate claim 70. Moreover, similar to claims 13 and 26, claim 70 recites the element of “wherein the rating algorithm includes a consideration of a user's previous viewing habits to generate the rating feedback.” Thus, for at least the reasons previously discussed in regard to claims 13 and 26, Shah-Nazaroff fails to teach this additional element of claim 70. Since each element of claim 70 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 70 under 35 U.S.C. §102.

In regard to dependent claims 71 and 77, these claims depend from claim 61 and incorporate the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 61, Shah-Nazaroff fails to anticipate claims 71 and 77. Moreover, similar to claims 14, 20, 27 and 33, claims 71 and 77 recites the elements of “wherein the rating algorithm includes a consideration of a content piece's size to generate the rating feedback” (claim 71) and “wherein the rating algorithm includes a consideration of a content piece's duration to generate the rating feedback” (claim 77). Thus, for at least the reasons previously discussed in regard to claims 14, 20, 27 and 33, Shah-Nazaroff fails to teach this additional element of claims 71 and 77. Since each element of claims 71 and 77 are not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 71 and 77 under 35 U.S.C. §102.

In regard to dependent claim 74, claim 74 depends from claim 61 and incorporates the

limitations thereof. Thus, for at least the reasons mentioned in regard to claim 61, Shah-Nazaroff fails to anticipate claim 74. Moreover, similar to claims 17 and 30, claim 74 recites the element of “wherein the rating algorithm includes a consideration of a future broadcast schedule to generate the rating feedback.” Thus, for at least the reasons previously discussed in regard to claims 17 and 30, Shah-Nazaroff fails to teach this additional element of claim 74. Since each element of claim 74 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 74 under 35 U.S.C. §102.

In regard to dependent claim 79, claim 79 depends from claim 61 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 61, Shah-Nazaroff fails to anticipate claim 79. Moreover, similar to claim 22, claim 79 recites the element of “wherein execution of the instructions by the machine, further cause the machine to generate a display on a display device to provide a user-interface that enables a user to rate content pieces to indicate a level of desirability for receiving those content pieces if they are broadcast by the broadcast system.” Thus, for at least the reasons previously discussed in regard to claim 61, Shah-Nazaroff fails to teach this additional element of claim 79. Since each element of claim 79 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 79 under 35 U.S.C. §102.

In regard to dependent claims 81 and 82, these claims depend from claim 61 and incorporate the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 61, Shah-Nazaroff fails to anticipate claim 81. Moreover, similar to claims 24 and 25, claims 81 and 82 recite the element of “wherein the rating algorithm automatically rates at least a portion of the content pieces.” Thus, for at least the reasons previously discussed in regard to claims 24 and 25, Shah-Nazaroff fails to teach this additional element of claims 81 and 82. Since each element of claims 81 and 82 are not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 81 and 82 under 35 U.S.C. §102

In regard to dependent claims 62, 64-67, 72, 73, 76, 78 and 80, these claims depend from claim 61 and incorporate the limitations thereof. Thus, for at least the reason that Shah-Nazaroff

fails to teach all the elements of claim 61, Shah-Nazaroff fails to anticipate claims 62, 64-67, 72, 73, 76, 78 and 80. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 62, 64-67, 72, 73, 76, 78 and 80 under 35 U.S.C. §102.

In regard to independent claim 83, similar to claim 1, claim 83 recites the element of “broadcasting broadcast communications including content descriptors from a broadcast source to a plurality of client systems via a first communications link, the content descriptors including descriptions of a plurality of content pieces independent of whether the content pieces are broadcast from the broadcast source to the client systems.” For at least the reasons discussed in regard to claim 1, Shah-Nazaroff fails to teach this element of claim 83. Shah-Nazaroff further fails to teach “wherein the rating feedback comprises a rating generated by the client system of at least a portion of the plurality of content pieces” as recited in claim 83. The Examiner alleges col. 3, lines 22-25 and col. 6, lines 23-59 of Shah-Nazaroff teaches a rating feedback comprising a rating of at least a portion of the plurality of content pieces. See Action, page 13. Applicant is unable to discern and the Examiner has not pointed to a portion of Shah-Nazaroff teaching that at least a portion of the rating of the rating feedback is generated by the client system. Instead, as admitted by the examiner Shah-Nazaroff teaches the user fills out questionnaires (see Action, page 2) which are then sent by the system controller 110 to the guide server 170 and then the guide server 170 generates a rating of the broadcast based on the questionnaires. See Shah-Nazaroff, col. 4, lines 20-23. Accordingly, it is the guide server 170, which the Examiner alleges is the broadcast source, which generates a rating, not a client system as required by claim 83. Thus, for at least the foregoing reasons, Shah-Nazaroff fails to teach at least this element of Claim 83 and anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 83 under 35 U.S.C. §102.

In regard to dependent claim 90, claim 90 depends from claim 83 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 83, Shah-Nazaroff fails to anticipate claim 90. Moreover, similar to claim 9, claim 90 recites the element of “wherein the content descriptors comprise a continuous stream of data that may be tapped into at any time to rate at least a portion of the plurality of content pieces.” Thus, for at least the reasons previously discussed in regard to claim 9, Shah-Nazaroff fails to teach this additional element of

claim 90. Since each element of claim 90 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 90 under 35 U.S.C. §102.

In regard to dependent claim 92, claim 92 depends from claim 83 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 83, Shah-Nazaroff fails to anticipate claim 92. Moreover, similar to claims 17, 30 and 74, claim 92 recites the element of “wherein the rating feedback includes user rating of content pieces to indicate a level of desirability in receiving those content pieces if they are broadcast by the broadcast system.” Thus, for at least the reasons previously discussed in regard to claims 17, 30 and 74, Shah-Nazaroff fails to teach this additional element of claim 92. Since each element of claim 92 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 92 under 35 U.S.C. §102

In regard to dependent claims 84-86 and 88-89, 91 and 93, these claims depend from claim 83 and incorporate the limitations thereof. Thus, for at least the reason that Shah-Nazaroff fails to teach all the elements of claim 83, Shah-Nazaroff fails to anticipate claims 84-86 and 88-89, 91 and 93. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 84-86 and 88-89, 91 and 93 under 35 U.S.C. §102.

In regard to independent claim 94, similar to claim 1, claim 94 recites “at least one communications link to transmit broadcast communications including content descriptors to a plurality of client systems, the content descriptors including descriptions of a plurality of corresponding content pieces independent of whether the content pieces are transmitted to the client system.” Thus, for at least the reasons previously discussed in regard to claim 1, Shah-Nazaroff fails to teach at least this element of claim 94. Shah-Nazaroff further fails to teach “wherein the rating feedback comprises a rating generated by the client systems of at least a portion of the plurality of content pieces” as recited in claim 94. The Examiner alleges col. 3, lines 56-62 of Shah-Nazaroff teaches transmitting a rating feedback from each of the plurality of client systems to the server and col. 3, lines 22-55 and col. 6, lines 23-59 teaches a rating feedback comprising rating of at least a portion of the plurality of content pieces. Applicant is unable to discern and the Examiner has not pointed to a portion of Shah-Nazaroff teaches at least

a portion of the rating of the rating feedback generated by the client system. Instead, as admitted by the examiner Shah-Nazaroff teaches the user fills out questionnaires (see Action, page 2) which are then sent by the system controller 110 to the guide server 170 and then the guide server 170 generates a rating of the broadcast based on the questionnaires. See Shah-Nazaroff, col. 4, lines 20-23. Accordingly, it is the guide server 170, which the Examiner characterizes as the broadcast source, which generates a rating, not a client system as required by claim 94. Thus, for at least the foregoing reasons, Shah-Nazaroff fails to teach at least this element of claim 94 and anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 94 under 35 U.S.C. §102.

In regard to dependent claim 99, claim 99 depends from claim 94 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 94, Shah-Nazaroff fails to anticipate claim 99. Moreover, similar to claims 9 and 90, claim 99 recites the element of “wherein the content descriptors comprise a continuous stream of data that may be tapped into at any time to rate at least a portion of the plurality of content pieces.” Thus, for at least the reasons previously discussed in regard to claims 9 and 90, Shah-Nazaroff fails to teach this additional element of claim 99. Since each element of claim 99 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 99 under 35 U.S.C. §102.

In regard to dependent claim 101, claim 101 depends from claim 94 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 94, Shah-Nazaroff fails to anticipate claim 101. Moreover, similar to claims 17, 30, 74 and 92, claim 101 recites the element of “wherein the rating feedback includes user rating of content pieces to indicate a level of desirability in receiving those content pieces if they are broadcast by the broadcast system.” Thus, for at least the reasons previously discussed in regard to claims 17, 30, 74 and 94, Shah-Nazaroff fails to teach this additional element of claim 101. Since each element of claim 101 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 101 under 35 U.S.C. §102

In regard to dependent claims 95-98, 100 and 102, these claims depend from claim 94 and incorporate the limitations thereof. Thus, for at least the reason that Shah-Nazaroff fails to teach

all the elements of claim 94, Shah-Nazaroff fails to anticipate claims 95-98, 100 and 102. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 95-98, 100 and 102 under 35 U.S.C. §102.

In regard to claim 103, similar to claim 1, claim 103 includes the element of “broadcast broadcast communications including content descriptors from a broadcast source to a plurality of client systems via a first communications link, the content descriptors including descriptions of a plurality of content pieces independent of whether the content pieces are broadcast from the broadcast source to the client systems.” Thus, for at least the reasons mentioned in regard to claim 1, Shah-Nazaroff fails to teach this element. Claim 103 further recites “wherein the rating feedback comprises a rating generated by the client systems of at least a portion of the plurality of content pieces.” The Examiner alleges col. 3, lines 22-55 and col. 6, lines 23-59 of Shah-Nazaroff teaches a rating feedback comprises a rating of at least a portion of the plurality of content pieces. See Action, page 18. Applicant is unable to discern and the Examiner has not pointed to where Shah-Nazaroff teaches at least a portion of the rating of the rating feedback is generated by the client system. Instead, as admitted by the examiner Shah-Nazaroff teaches the user fills out questionnaires (see Action, page 2) which are then sent by the system controller 110 to the guide server 170 and then the guide server 170 generates a rating of the broadcast based on the questionnaires. See Shah-Nazaroff, col. 4, lines 20-23. Accordingly, it is the guide server 170, which the Examiner characterizes as the broadcast source, which generates a rating, not a client system as required by Claim 103. Thus, Shah-Nazaroff fails to teach at least these elements of Claim 103 therefore anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 103 under 35 U.S.C. §102.

In regard to dependent claim 111, claim 111 depends from claim 103 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 103, Shah-Nazaroff fails to anticipate claim 111. Moreover, similar to claims 17, 30, 74, 92 and 101, claim 111 recites the element of “wherein the rating feedback includes user rating of content pieces to indicate a level of desirability to receive those content pieces if they are broadcast by the broadcast system.” Thus, for at least the reasons previously discussed in regard to claims 17, 30, 74, 92 and 101, Shah-Nazaroff fails to teach this additional element of claim 111. Since each

element of claim 111 is not taught by the reference anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 111 under 35 U.S.C. §102

In regard to dependent claims 104-106 and 108-110, these claims depend from claim 103 and incorporate the limitations thereof. Thus, for at least the reason that Shah-Nazaroff fails to teach all the elements of claim 103, Shah-Nazaroff fails to anticipate claims 104-106 and 108-110. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 104-106 and 108-110 under 35 U.S.C. §102.

In regard to independent claim 112, similar to claim 1, recites the elements of “the client system including a processor and a memory to store an automated rating algorithm” and “wherein a plurality of content descriptors are transmitted via the at least one communications link to the client system, the plurality of content descriptors including descriptions of a plurality of content pieces independent of whether the content pieces are transmitted to the client system.” Thus, for at least the reasons discussed in regard to claim 1, Shah-Nazaroff fails to teach at least these elements. Shah-Nazaroff further fails to teach at least the element of “the processor implements the rating algorithm to rate at least a portion of the plurality of content pieces to generate a rating feedback” as recited in claim 112. The Examiner alleges the claimed processor is taught by the controller 110 of Shah-Nazaroff and further states col. 3, lines 22-32 of Shah-Nazaroff teaches generating the questionnaire for the user to rate the program and on this basis concludes Shah-Nazaroff teaches a processor implementing the rating algorithm to rate at least a portion of the plurality of content pieces to generate a rating feedback. See Action, page 20. Moreover, in response to Applicant’s previous arguments that in view of Applicant’s specification, generating requires “consideration and compiling by the client system of information”, the Examiner alleges “consideration and compiling by the client system of information” is not recited in the claims and therefore is given no weight. See Action, page 42. Applicant respectfully submits the Examiner’s conclusion is simply incorrect at least for the reason that the explicit teachings of Shah-Nazaroff do not support the Examiner’s conclusion and the term “generating” has been found to imply the creation or origination of data. In particular, Shah-Nazaroff does not expressly teach controller 110 implements a rating algorithm to rate at

least a portion of the content pieces and further generates a rating feedback. Instead, Shah-Nazaroff teaches controller 110 assists in controlling the distribution of the questionnaires retrieved from guide server 170. See Shah-Nazaroff, col. 2, lines 64-67; col. 3, lines 23-67. Shah-Nazaroff teaches it is the “programming guide server 170 [that] generates a rating of the broadcast” and the viewer that answers the questionnaire. See Shah-Nazaroff, col. 4, lines 20-23. Applicant respectfully submits, merely distributing questionnaires to the viewers may not be characterized as implementing a rating algorithm to rate content pieces to generate a rating feedback as required by Claim 112. As evidenced by Applicant’s specification, generation of the rating feedback requires actual consideration and compiling by the client system of information received from the viewers about the content piece as well as data about the content piece and the viewers which is stored within the client system. See Application, page 13, lines 1-23. Moreover, in *In re Michael*, Docket No. 05-1370 (Fed. Cir. 2006), the Federal Circuit overturned the Board’s finding that merely “selecting” advertisements can teach or suggest a method for generating a web page including the element of “generating page data” and instead found that the term “generating does not imply a mere selection of pre-existing page data, but rather the creation or origination of such data” While this opinion is non-precedential it is certainly instructive of how the Board may rule if an appeal in this case becomes necessary. Moreover, as is evidenced by the Supreme Court’s recent amendment to the Federal Rules of Appellate Procedure (“FRAP”) prohibiting prohibitions on citations of non-precedential opinions which applies to opinions issued on or after January 1, 2007 (see FRAP, Rule 32.1), non-precedential opinions should be entitled to consideration by the courts. In view of the foregoing, Applicant respectfully submits the rating feedback is not generated by the client system by merely forwarding a questionnaire filled out by a viewer as taught in Shah-Nazaroff. Accordingly, for at least for the foregoing reasons, Shah-Nazaroff fails to teach each and every element of claim 112. Since Shah-Nazaroff fails to teach all the elements of claim 112, anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 112 under 35 U.S.C. §102.

In regard to dependent Claims 113-119, these claims depend from Claim 112 and incorporate the limitations thereof. Thus, for at least the reason that Shah-Nazaroff fails to teach all the elements of Claim 112, Shah-Nazaroff fails to anticipate Claims 113-119. Applicant

respectfully requests reconsideration and withdrawal of the rejection of Claims 113-119 under 35 U.S.C. §102.

In regard to independent claim 120, similar to claim 1, claim 120 recites “broadcasting content descriptors from a server to at least one client system via at least one communications link, the content descriptors including descriptions of a plurality of corresponding content pieces independent of whether the content pieces are broadcast to the client systems.” Thus, for at least the reasons discussed in regard to claim 1, Shah-Nazaroff fails to teach at least this element of claim 120. Shah-Nazaroff further fails to teach the element of “communicating the rating feedback to the server periodically” as recited in amended claim 120. The Examiner suggests column 6, lines 48-59 of Shah-Nazaroff directed toward storing and transmitting several responses teaches periodically communicating a batch of rating feedback since several responses may be stored before being sent to the server. See Action, pages 23, 40. The Examiner further cites to an excerpt from The American Heritage Dictionary in which the term “periodic” is defined and alleges the current claim language does not require any sort of frequency, interval or regular response period therefore this limitation is met by the reference. Applicant respectfully disagrees with the Examiner’s conclusion. As recited in the definition highlighted by the Examiner “something periodic occurs at regular or at least generally predictable intervals.” Thus, although the occurrence may be from “time to time” as alleged by the Examiner, there must be some regularity or predictability to it. Shah-Nazaroff teaches questionnaires may be sent upon completion or stored and sent in batches. Shah-Nazaroff is silent as to whether there is any sort of regularity in the sending of the questionnaires. Instead, it appears it is dependent upon when a viewer completes a questionnaire, the frequency of which can not be considered periodic. For example, even when the questionnaires are sent in batches, a batch will not be achieved until viewers complete and forward their questionnaires to the client system. When enough users will complete enough questionnaires to transmit a batch is certainly not predictable. Thus, it may be days, months or some other indefinite time frame before a batch is ready to send to the server. Such unpredictable and irregular transmission of a questionnaire or batch of questionnaires may not be considered periodic. Accordingly, since it is unclear from Shah-Nazaroff whether there is any regularity in sending the questionnaires to the server, the limitation of periodically sending feedback to the server as recited in claim 120 is not met by the reference.

Moreover, claim 120 recites “wherein the rating feedback comprises a rating generated by the client systems of at least a portion of the plurality of content pieces.” As previously discussed, the portions of Shah-Nazaroff cited by the Examiner fail to teach at least a portion of the rating of the rating feedback generated by the client system. Instead, as admitted by the examiner Shah-Nazaroff teaches the user fills out questionnaires (see Action, page 2) which are then sent by the system controller 110 to the guide server 170 and then the guide server 170 generates a rating of the broadcast based on the questionnaires. See Shah-Nazaroff, col. 4, lines 20-23. Accordingly, it is the guide server 170, which the Examiner characterizes as the broadcast source, which generates a rating, not a client system as required by claim 120. Accordingly, the Examiner has not set forth, and Applicant is unable to discern, a portion of Shah-Nazaroff teaching each and every element of claim 120. For at least the foregoing reasons, Shah-Nazaroff fails to teach all the elements of claim 120 therefore anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 120 under 35 U.S.C. §102.

In regard to dependent claims 121-129, these claims depend from claim 120 and incorporate the limitations thereof. Thus, for at least the reason that Shah-Nazaroff fails to teach all the elements of claim 120, Shah-Nazaroff fails to anticipate claims 121-129. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 121-129 under 35 U.S.C. §102.

II. Claim Rejections – 35 U.S.C. §102(b)

In the outstanding Action, claims 1, 61, 83, 103 are rejected under 35 U.S.C. §102(b) as being anticipated by Hackson et. al. (WO 00/27124) (“Hackson”). Applicant respectfully traverses the rejections for at least the following reasons.

Hackson claims priority to Shah-Nazaroff and therefore teaches the same invention. Thus, in regard to claims 1, 61, 83 and 103, for at least the reasons discussed in the traversal of these claims over Shah-Nazaroff, Hackson fails to teach at least the elements of “independent of whether the content pieces are received from the broadcast source” as recited in claims 1 and 61 and “independent of whether the content pieces are broadcast from the broadcast source to the

client systems” as recited in claims 83 and 102. Moreover, for at least the reasons previously discussed in the traversal of claims 1 and 61 over Shah-Nazaroff, Hackson further fails to teach the element of “perform an automated rating algorithm to rate at least a portion of the plurality of content pieces to generate a rating feedback” as recited in claims 1 and 61.

Moreover, in regard to claims 61, 83 and 103, these claims require that the client system rate at least a portion of the plurality of content pieces to generate a rating feedback. As admitted by the Examiner on page 8 of the Action, the user fills out a questionnaire on the program, not system controller 100, 110. Moreover, as previously pointed out, “to generate a rating” requires more than merely redirecting questionnaires filled out by the user. Thus, for at least the foregoing reason, Hackson fails to teach these elements of claims 61, 83 and 103. Accordingly, since Hackson fails to teach each and every element of claims 1, 61, 83 and 103, anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 61, 83 and 103 under 35 U.S.C. §102.

III. Claim Rejections – 35 U.S.C. §103(a)

In the outstanding Action, claims 3, 8, 10, 18, 31, 36-60, 63, 75, 87 and 107 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hackson. Applicant respectfully traverses the rejection for at least the following reasons.

In regard to independent claim 36, for at least the reasons previously discussed, Hackson fails to teach or suggest an “automated rating algorithm” and “receive broadcast communications from a broadcast source via a first communications link, and to send rating feedback to the broadcast source via a second communications link, the broadcast communications including a plurality of content descriptors that describe a plurality of corresponding content pieces independent of whether the content pieces are received from the broadcast source” as recited in claim 36. Moreover, Hackson teaches the viewer answers a questionnaire which is forwarded by controller 110 for rating by guide server 170, not the processor as required by Claim 36.

Moreover, as admitted by the Examiner, Hackson fails to teach or suggest a storage device, coupled to the processor, to store content pieces. See Action page 28. Instead, the Examiner alleges storage of content is well known in the art. Applicant respectfully disagrees

that such storage is well known in the context of Applicant's invention and further submits it would not have been obvious to one of ordinary skill in the art to modify Hackson to include a storage device for storage of content. Hackson teaches a collaborative filtering system which only looks backwards. In particular, broadcast ratings are based on questionnaires filled out by a viewer who has already viewed a broadcast. Hackson does not teach or suggest a forward looking system to facilitate viewing of content at a later time by the viewer. Thus, it appears it is only upon viewing Applicant's disclosure that such a desire is contemplated. As the Examiner is no doubt aware, such hindsight reconstruction is erroneous as a matter of law. For at least the foregoing reasons, Hackson fails to teach or suggest each and every element of claim 36 therefore a *prima facie* case of obviousness may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 36 over 35 U.S.C. 103(a).

In regard to claims 3, 37-42, 44, 46-49, 55, 50-52, 54, 56, 57-60, 63, 87 and 107, Applicant respectfully submits these claims depend from claim 36 and incorporate the limitations thereof. Thus for at least the reasons discussed in regard to claim 36 as well as those previously discussed in the traversal of similar claims over Shah-Nazaroff, Hackson fails to teach or suggest each and every element of claims 3, 37-42, 44, 46-49, 55, 50-52, 54, 56, 57-60, 63, 87 and 107. For at least the foregoing reasons, Applicant respectfully submits a *prima facie* case of obviousness may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3, 37-42, 44, 46-49, 55, 50-52, 54, 56, 57-60, 63, 87 and 107 under 35 U.S.C. 103(a).

In regard to dependent claims 8 and 43, Applicant respectfully submits claim 8 depends from claim 1 and claim 43 depends from claim 36 and incorporates the limitations thereof. As previously discussed, Hackson claims priority to Shah-Nazaroff and teaches the same invention. Thus, for at least the reasons discussed above in the traversal of claim 1 over Shah-Nazaroff and claim 36 over Hackson, Hackson fails to teach or suggest each and every element of claims 8 and 43. Claims 8 and 43 are further not *prima facie* obvious over Hackson for at least the reason that the combination of Hackson in view of Official Notice may not be relied upon to teach or suggest the element of "wherein the broadcast communications include a schedule for the content descriptors that is received prior to receiving the content descriptors, the schedule providing

information pertaining to when the content descriptors may be received” as recited in claims 8 and 43. The Examiner takes Official Notice that it was well known in the art to provide a schedule indicating when/how data is to be received. See Action, page 36. The Examiner alleges it would have been obvious to include receiving a schedule of when the content descriptors will be broadcast prior to the content descriptors into Hackson to enable receipt of the content descriptors. See Action, page 36. As an initial matter, Applicant disagrees that the element recited in claims 8 and 43 was well known in the art and requests, since the Action is final, the Examiner provide documentary support. Moreover, even if this element were well known, and Applicant does not believe it is, one of ordinary skill in the art would not be motivated to modify Hackson to include this feature. Hackson teaches that the questionnaires are provided during or shortly after a broadcast at the request of a viewer. See Hackson, page 4, lines 24-25. Thus, since it is the viewer, not the system in Hackson, which determines when the questionnaires are to be received, it would not be possible for the system in Hackson to provide any sort of a schedule of when the content descriptors may be received. For at least the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 8 and 43 over 35 U.S.C. 103(a).

In regard to dependent claims 10 and 45, Applicant respectfully submits claim 10 depends from claim 1 and claim 45 depends from claim 36 and incorporates the limitations thereof. As previously discussed, Hackson claims priority to Shah-Nazaroff and teaches the same invention. Thus, for at least the reasons discussed above in the traversal of claim 1 over Shah-Nazaroff and claim 36 over Hackson, Hackson fails to teach or suggest each and every element of claims 10 and 45. Claims 10 and 45 are further not *prima facie* obvious over Hackson for at least the reason that the combination of Hackson in view of Official Notice may not be relied upon to teach or suggest the element of “receiving broadcast communications including the plurality of content pieces; and performing a capture algorithm to selectively determine which, if any, of the content pieces should be cached, and wherein the rating algorithm is identical to the capture algorithm” as recited in claims 10 and 45. The Examiner takes Official Notice that it was well known in the art to utilize rating data to selectively download and store programming matching a viewer’s interest. See Action, page 34. The Examiner alleges it would have been obvious to include performing a capture algorithm to selectively determine which content pieces should be

cached into Hackson to provide a user friendly system for finding and storing programming most likely to be desired by the viewer. See Action, page 34. As an initial matter, Applicant disagrees that the element recited in claim 10 was well known in the art and requests, since the Action is final, the Examiner provide documentary support. Moreover, even if this element were well known, and Applicant does not believe it is, one of ordinary skill in the art would not be motivated to modify Hackson to include this feature. Hackson teaches a backward looking rating system which relies upon the viewer filling out questionnaires based on already viewed broadcasts. Thus, the viewer must have already viewed the content pieces for a rating to be determined. One of ordinary skill in the art would certainly not find it desirable to cache content pieces which have already been viewed. For at least the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 10 and 45 over 35 U.S.C. 103(a).

In regard to dependent claims 18, 31, 53 and 75, Applicant respectfully submits claims 18 and 31 depend from claim 1 and claim 53 depends from claim 36 and incorporates the limitations thereof. As previously discussed, Hackson claims priority to Shah-Nazaroff and teaches the same invention. Thus, for at least the reasons discussed above in the traversal of claim 1 over Shah-Nazaroff and claim 36 over Hackson, Hackson fails to teach or suggest each and every element of claims 18, 31 and 53. Claims 18, 31, 53 and 75 are further not *prima facie* obvious over Hackson for at least the reason that the combination of Hackson in view of Official Notice may not be relied upon to teach or suggest the element of “wherein the rating algorithm includes a consideration of a content piece’s past revenue performance to generate the rating feedback” as recited in claims 18, 31, 53 and 75. The Examiner takes Official Notice that it was well known in the art to provide past revenue performance to a user to allow the user to determine interest toward content. See Action, page 35. The Examiner alleges it would have been obvious to such information into Hackson to allow the user to accurately determine their interest. See Action, page 35. As an initial matter, Applicant disagrees that the element recited in claims 18, 31, 53 and 75 was well known in the art and requests, since the Action is final, the Examiner provide documentary support. Moreover, even if this element were well known, and Applicant does not believe it is, one of ordinary skill in the art would not be motivated to modify Hackson to include this feature. Hackson does not contemplate providing such descriptors and instead teaches a

collaborative filtering system. As illustrated, for example, in Figures 4 and 6 of Hackson, the questionnaires sent to the viewer are designed to collect data relating specifically to what each viewer thought of the content of the broadcast previously viewed independent of the preferences of other viewers. Data from each viewer may then be used to generate a rating which indicates how likely subsequent viewers will be interested in the same broadcast. See Hackson, page 3, lines 22-23. Upon viewing the teachings of Hackson, one of ordinary skill in the art would understand providing the viewer with information indicative of other viewers' preferences (e.g. past revenue performance, video sales, etc.) to be contrary to the purpose of the rating system taught in Hackson and therefore not a desirable modification. Since Hackson fails to teach or suggest each and every element of claims 18, 31, 53 and 75, a *prima facie* case of obviousness may not be found. For at least the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 18, 31, 53 and 75 over 35 U.S.C. 103(a).

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-129, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

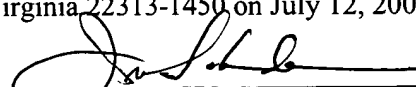
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on July 12, 2006.


Jean Svoboda